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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,832	01/31/2002	Stefan Lehner-Dittenberger	VOI0218.US	4348

7590

11/19/2002

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EXAMINER

JIMENEZ, MARC QUEMUEL

ART UNIT

PAPER NUMBER

3726

DATE MAILED: 11/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/062,832

Applicant(s)

LEHNER-DITTENBERGER,
STEFAN

Examiner

Marc Jimenez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. **Claims 1-8, 10-15, 17, 18, 22, and 24-29** are rejected under 35 U.S.C. 102(b) as being anticipated by **Pesson (3,750,246)**.

Pesson teaches a roller for winding of a material web thereon (col. 1, line 8), the roller having two roller ends **12,14** and a mid-roller area **22**, the roller having a maximum winding diameter associated therewith, the roller comprising: a base body **B**, at least one resilient member **D**, the at least one resilient member **D** being at least one of a resilient layer applied to at

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least sections **58** of the body **B** and at least one resilient element positioned on the base body **B**, the at least one resilient member **D** being positioned and configured so as to make the roller radially more resilient near each of the roller ends **12,14** than in the mid-roller area **22** in order to at least partially compensate for a deflection of the base body **B** at the maximum winding diameter, and a circumferential surface **C** positioned over the base body **B**, the circumferential surface **C** contacting the material web, the circumferential surface **C** being one of integral with and separate from the at least one resilient member. The resilient member **D** has a radial thickness/rigidity that varies over the roller length, note the support point **22** which constitutes a portion of the base body, note also the different support points **58**, the circumferential surface **C** is a resilient tube, the resilient member increases in thickness towards each roller ends and the body tapers, the resilient layer is an elastomeric (col. 3, lines 3-4), the resilient member is foamed (col. 8, lines 67-68), note the tension anchors **42** and spacers **36**. The resilient elements **D** are discrete spring elements that comprise of an elastomeric material.

4. **Claims 1-3, 5-9, 18, 19, and 21-29** are rejected under 35 U.S.C. 102(b) as being anticipated by Van Haag (6,409,644).

Van Haag teaches a roller for winding of a material web thereon, the roller having two roller ends **5,6'** and a mid-roller area **1'**, the roller having a maximum winding diameter associated therewith, the roller comprising: a base body **7**, at least one resilient member **62,61**, the at least one resilient member **62,61** being at least one of a resilient layer applied to at least sections of the body **7** and at least one resilient element positioned on the base body **7**, the at least one resilient member **62,61** being positioned and configured so as to make

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the roller radially more resilient near each of the roller ends 5,6' than in the mid-roller area 1' in order to at least partially compensate for a deflection of the base body 7 at the maximum winding diameter, and a circumferential surface 2 positioned over the base body 7, the circumferential surface 2 contacting the material web, the circumferential surface 2 being one of integral with and separate from the at least one resilient member. The thickness of the resilient member/spring elements 62,61 varies, note the rigid support points 4, note the resilient tube 2, the base body is hollow (fig. 3), and note the tension anchors (below 9 in fig. 4).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 9 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pesson in view of Hubbard (2,741,014).

Pesson teaches the invention cited above with the exception of the tube comprising one of rubber and another elastomeric material.

Hubbard teaches a tube comprising rubber (col. 1, line 49).

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Pesson with a rubber tube, in light of the teachings of Hubbard in order to provide a light weight corrosion resistant tube.

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7. **Claim 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Haag.

Van Haag teaches the invention cited above with the exception of the resilient elements being formed of rubber or elastomeric material. Official notice is taken that at the time of the invention, it was well known in the art, to a person of ordinary skill, to have used rubber or elastomeric material in springs, in order to provide a spring material that is corrosion resistant.

8. **Claim 23** is rejected under 35 U.S.C. 103(a) as being unpatentable over Pessen in view of Munsey (619,496).

Pessen teaches the invention cited above with the exception of having a hollow base body.

Munsey teaches a hollow base body (col. 2, line 72).

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Pessen with a hollow base body, in light of the teachings of Munsey, in order to reduce the weight of the roll.

9. **Claims 19-21** are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Pessen in view of Hemmi (4,453,299).

Pessen teaches that the resilient elements **D** are used to move the outer tube **C** by elastic force. The ordinary definition of “spring” is “to be resilient or elastic; also: to move by elastic force” (see attached definition from Merriam-Webster’s Collegiate Dictionary, Tenth Edition). Therefore, Pessen inherently teaches that the resilient elements **D** are spring elements. However,

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if applicant shows convincing evidence that Pessen does not teach spring elements, Hemmi clearly teaches spring elements **42** used to move the outer tube **2**. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Pessen with spring elements, in light of the teachings of Hemmi, in order to provide a predetermined pressing or contact force. It is noted that the Pessen resilient elements **D** and Hemmi resilient elements **42** are equivalent structures which perform the same function of controlling deflection of a roll, therefore, one of ordinary skill in the art would have found it obvious to interchange the resilient elements because both provide similar results and solve the same problems.

Contact Information

10. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information. M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers or other general questions should be directed to Tech Center 3700 Customer Service at (703) 306-5648, or fax (703) 872-9301 or by email to CustomerService3700@uspto.gov.

Any inquiry concerning this communication or earlier communications from the

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examiner should be directed to Marc Jimenez whose telephone number is **703-306-5965**. The examiner can normally be reached on **Monday-Thursday and the second Friday of the bi-week, between 9am-6pm.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Other helpful telephone numbers are listed for applicant's benefit.

Allowed Files & Publication	(703) 308-6789 or (888) 786-0101
Assignment Branch	(703) 308-9723
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/8335
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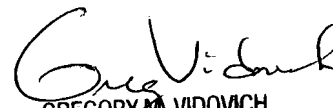
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MJ

November 12, 2002


GREGORY M. VIDOVICH
PRIMARY EXAMINER
SPE AU 3726

spring-head \ˈsprɪŋ-ˌhed\ *n* (1561): **FOUNTAINHEAD**
spring-house \ˈsprɪŋ-ˌhaʊs\ *n* (1753): a small building situated over a spring and used for cooling and storage (as of dairy products or meat)
springing \ˈsprɪŋ-ɪŋ\ *n* (1590) 1: **SPRING** 2: a point where an arch rises from its support
spring-load \ˈsprɪŋ-ˌləd\ *v* (1944): to load or secure by means of spring tension or compression
spring peeper *n* (1906): a small brown tree frog (*Hyla crucifer*) of the eastern U.S. and Canada that has a shrill piping call and breeds in ponds and streams in the spring
spring roll *n* (1943): **EGG ROLL**
also: any of various small rollers in oriental cuisine
spring-tail \ˈsprɪŋ-ˌtɛl\ *n* (ca. 1797): any of an order (Collembola) of small, primitive, wingless insects usu. with a forked structure on the fourth or fifth abdominal segment that is used for jumping — called also **collembolan**
spring-tide \-ˌtɪd\ *n* (1530)
SPRINGTIME
spring-tide *n* (1530)
spring-tide *n* (1548): a tide of greater-than-average range around the times of new and full moon
spring-time \ˈsprɪŋ-ˌtɪm\ *n* (15c) 1: the season of spring 2: **YOUTH** la 3: an early or flourishing stage of development
spring wagon *n* (1794): a light farm wagon equipped with springs
spring-water \ˈsprɪŋ-ˌwɔ-tər-, ˌwɔ-ˌn\ (15c): water from a spring
spring-wood \-ˌwʊd\ *n* (1884): the softer more porous portion of an annual ring of wood that develops early in the growing season — compare **SUMMERWOOD**
springy \ˈsprɪŋ-ə-ˌdʒ\ *adj* **spring-ier-, -est** (1641) 1: having an elastic quality: **RESILIENT** 2: having or showing a lively and energetic movement (walks with a ~ step) *syn* see **ELASTIC** — **spring-ily** \ˈsprɪŋ-ˌi-ˌleɪ-ˌəd-ə-ˌdʒ\ *adv* — **spring-iness** \ˈsprɪŋ-ˌi-ˌness\ *n*
spring-kle \ˈsprɪŋ-ˌkl-ə\ *vb* **spring-kled-, spring-kl-ing** \-k(ə)-ˌlɪŋ\ [ME *springelen, sprincien*; akin to MHG *spreckel, spreken* spot] *v* (14c) 1: to scatter in drops or particles 2: a: to scatter over b: to scatter at intervals in or among: DOT (*sprinkled* the speech with quips) c: to wet lightly ~ *w* 1: to scatter a liquid in fine drops 2: to rain lightly in scattered drops — **spring-ker** \-k(ə)-ˌləɹ-ˌn\ *n*
sprinkle *n* (1641) 1: the act or an instance of sprinkling; esp: a light rain 2: **SPRINKLING** 3 *pl*: small particles of candy used as a topping (as on ice cream): **JIMMIES**
sprinkler \ˈsprɪŋ-ˌklər\ *adj* (1977): having a sprinkler system
sprinkler system *n* (ca. 1909): a system for protecting a building against fire by means of overhead pipes which convey an extinguishing fluid (as water) to heat-activated outlets
spring-king \ˈsprɪŋ-ˌkɪŋ\ *n* (1594) 1: a limited quantity or amount 2: a small number distributed at random: **SCATTERING**
3: a small number distributed at random: **SCATTERING**
spring \ˈsprɪŋ\ *v* [of Scand origin; akin to Sw dial. *sprinta* to jump, hop; akin to OHG *sprintan* to jump up] *vi* (ca. 1864): to run or go at top speed esp. for a short distance — **sprinter** *n*
spring *n* (ca. 1865) 1: the act or an instance of sprinting 2: a dash 6b b: a burst of speed
spring car *n* (ca. 1965): a rugged racing automobile that is midway in size between midjet racers and ordinary racers, has about the same horsepower as the larger racers, and is usu. raced on a dirt track
spring \ˈsprɪŋ\ *n* [ME *spret, spret*, fr. OE *spring* pole, spear; akin to OE *springan* to sprout] (14c): a spar that crosses a fore-and-aft sail diagonally
spring \ˈsprɪŋ\ *n* [ME *spit*, fr. MF *espit*, fr. L *spiritus* spirit — more at **SPRIT**] (14c) 1: an archaic; **SAIL** 2: a disembodied spirit: **OGHST** 2: a: **ELF PAIRY** b: an elfish person
spring-sail \ˈsprɪŋ-ˌsəl-, -səl\ *n* (15c) 1: a sail extended by a sprit 2: a sail formerly set on a yard beneath the bowsprit
sprit \ˈsprɪt-, ˈsprɪts-, ˈsprɪts\ *vb* [G *spritzen* to squirt, spray] *v* (1902) 1: **SPRAY** ~ *v* 1: to disperse or apply a spray — **spritzer** *n*
spritze \ˈsprɪt-ɪ-zə-, ˈsprɪt-ɪ-ˌzə\ *n* [G, fr. *spritzen* (1945): a beverage of usu. white wine and soda water
sprock-et \ˈsprɔk-ət\ *n* [origin unknown] (1750) 1: a toothed wheel whose teeth engage the links of a chain 2: a cylinder with teeth around the circumference at either end that project through perforations in something (as motion-picture film) to move it through a mechanism (as a projector)
sprout \ˈsprəʊt\ *vb* [ME *spruten*, fr. OE *sprutan*; akin to OHG *sprizan* to sprout, Lith *sprauti* to squeeze, thrust] (13c) 1: to grow, spring up, or come forth as if a sprout 2: to send out new growth ~ *v* 1: to send forth or up cause to develop ~ *grow*
sprout *n* (13c) 1: a shoot 1a: esp. a young shoot (as from a seed or root) b *pl* (1) chiefly **BEET**: **BEET** sprouts 1b: sprouts (as from a seed or root) recently germinated seeds (as of alfalfa or mung beans) 2: something resembling a sprout; as: a young person b: **SCION**
sprouting broccoli *n* (1825): **AROCOL** 2a (Z)